

Appl. No. 10/776,839
Docket No. CM2725MQ
Amdt. dated August 26, 2008
Reply to Office Action mailed on May 13, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-10 are pending in the present application. Claims 7 and 11-17 have been cancelled. No additional claims fee is believed to be due.

Claim 1 has been amended. Support for the amendments can be found at least on page 11, lines 5-16 and Figure 6 of the originally filed specification. It is believed that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

The Rejection under 35 U.S.C. 102(b) over Tanzer

Claims 1-5 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tanzer, et al., U.S. Patent No. 5,425,725 (hereinafter "Tanzer"). Applicants respectfully traverse this rejection as Tanzer does not teach an absorbent core comprising at least two substrate layers each comprising a discontinuous layer of absorbent material and a layer of thermoplastic material, wherein the substrate layers do not contact each other. Further, Tanzer does not teach a layer of thermoplastic material as taught and claimed in the present invention.

The Office Action states that the absorbent core of Tanzer comprises a second substrate layer (184). Applicants respectfully disagree. The Tanzer specification describes (184) as a bodyside distribution layer. There is no suggestion in the Tanzer reference to indicate that the bodyside distribution layer (184) of Tanzer is equivalent to the substrate layers of the present invention. Assuming *arguendo* that the bodyside distribution layer (184) of Tanzer is the same as the substrate layer of the present invention, it does not meet the claim limitations of the present invention that each substrate layer comprises a discontinuous layer of absorbent material and a layer of thermoplastic material, and the first and second substrate layers do not contact each other. The figures in the Tanzer reference indicate that the bodyside distribution layer (184) does not comprise a discontinuous layer of absorbent material or a thermoplastic material. As exemplified by Figure 6 in the present invention, both substrate layers comprise a discontinuous layer of absorbent material and a

layer of thermoplastic material and the two substrate layers do not come in contact with each other.

Further, Tanzer does not teach a layer of thermoplastic material as claimed in the present invention. The Office Action incorrectly concludes that the thermoplastic layer of the present invention is the same as the carrier layer (98) of the Tanzer invention. The Tanzer invention clearly describes (98) as a carrier layer. There is no suggestion in the Tanzer reference to indicate that carrier layer (98) of Tanzer is equivalent to the thermoplastic material of the present invention. The thermoplastic layer taught and claimed in the present invention can comprise thermoplastic materials, as described throughout the specification (see Page 11, line 26-Page 14, line 29). The thermoplastic layer and the materials that comprise them do not act as the carrier layer (98) of the Tanzer patent.

Applicants contend that the Tanzer reference does not anticipate Applicants' Claims 1-5 and 9, as the Tanzer patent does not teach an absorbent core comprising at least two substrate layers each comprising a discontinuous layer of absorbent material and a layer of thermoplastic material, wherein the substrate layers do not contact each other. Further, Tanzer does not teach a layer of thermoplastic material as taught and claimed in the present invention. Therefore, Applicants contend that the present invention is novel in view of Tanzer and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 103(a) over Tanzer

Claims 6, 8, and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanzer, et al., U.S. Patent No. 5,425,725 (hereinafter "Tanzer"). Applicants respectfully traverse this rejection, as the reference does not establish a *prima facie* case of obviousness. Specifically, the reference does not teach or suggest all of Applicants' claim limitations, as required under MPEP 2143.03.

As discussed above, Tanzer does not teach an absorbent core comprising at least two substrate layers each comprising a discontinuous layer of absorbent material and a layer of thermoplastic material, wherein the substrate layers do not contact each other. Further,

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Tanzer does not teach a thermoplastic material as described and claimed in the present invention.


As Tanzer does not teach or suggest the absorbent core as taught and claimed in the present invention, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the cited reference. Accordingly, Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

Respectfully submitted,

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